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the Pulaski county commissioners to make the bonds. He was bound to take notice of the want of power. This is an old, a safe, and a familiar doctrine."

Municipal Bonds — Estoppel by Recital.—*Sutliff v. Lake County*, 47 Fed. Rep. 106. A county had issued bonds in excess of its constitutional limit of indebtedness. The enabling act under which the bonds were issued reiterated the same limitation. But the bonds recited that they were "issued in compliance with a majority vote of the qualified electors of said county under and by virtue of the above-mentioned act of the legislature, and that all the provisions of said act had been complied with." The Court held, however, that the county were not estopped; that there was a wide distinction between a recital that incidental regulations had been complied with where the power to issue was clearly given, and a recital that the power itself existed; and said, "there is nothing in the act authorizing the county commissioners to ascertain the amount of the indebtedness, and determine the fact whether the bonds were or were not in excess of the constitutional limit. If there had been in the act such a provision as that by which the county commissioners would be authorized to determine the amount of the indebtedness existing at the time of issuing the bonds, and whether the bonds were within or beyond the constitutional limit, there would be something in many decisions of the supreme court to support the position of the plaintiff; because it has been many times decided by the supreme court that, whenever a matter of fact is submitted to the county authorities for their decision and determination, such as the holding of an election, the form in which the bonds shall be issued, and the like, and the county authorities proceed under the act to determine the fact, the county shall be bound by that decision and determination; there shall be no other inquiry concerning it. But the question in this case lies back of that, and relates to the power of the county to create the indebtedness. It is believed that, whenever such a question has come before the supreme court, it has been uniformly held that the county authorities cannot determine for themselves or otherwise the question of their authority in the premises.

* * * The principle is that, when power is not given to the county to issue the bonds, no recital whatever binds the county. There must be power to act in the first place; when the power exists, recitals that it is exercised in conformity to the law are conclusive. In this instance there was no power. The power not existing, of course the bonds issued are void."